

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46732 of 2014

Arising Out of PS.Case No. -525 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Sukhdeo Prasad, Son of Late Kalicharan Mahto, Resident of village-
Kakhara, P.S.- Noor Sarai, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. Arjun Kumar Sinha, Son of Late Chhathu Prasad, Resident of village-
Tufanganj, P.S.- Rahui, District- Nalanda

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 30-07-2015 The brother-in-law of the petitioner herein

filed a private complaint in the court of Chief Judicial
Magistrate, Nalanda at Biharsharif, alleging that the
petitioner took a sum of Rs.6,00,000/-, but did not
refund the amount except for a sum of Rs.1,02,250/-. It
is also alleged that the cheque issued for payment of the
balance amount was dishonoured. Therefore, cognizance
was taken for the offence punishable under Section-138
of Negotiable Instruments Act and 406 of I.P.C.

Apprehending his arrest, the petitioner filed
A.B.P. No.1211 of 2014 in the court of learned Sessions
Judge, Nalanda. The same was dismissed on 9.10.2014.
Hence, this application for anticipatory bail under

Section-438 of Cr.P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner and the complainant are close relatives. Assuming that the petitioner borrowed a sum of Rs.6,00,000/- from the complainant and did not refund substantial portion thereof, the complainant has to take necessary steps in accordance with law for recovery. When the basic complaint is under Section-138 of Negotiable Instruments Act, it is not necessary that the accused therein must be arrested.

Petition is allowed.

In the event of arrest or surrender, let the petitioner named above be enlarged on anticipatory bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Complaint Case No.525C of 2014, subject to the conditions laid down under Section-438(2) of Cr.P.C.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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